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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,200	07/05/2005	Satoru Nawata	124577	8710
25944	7590	10/10/2007	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			HAUGLAND, SCOTT J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,200	Applicant(s) NAWATA, SATORU	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/4/05 and 1/5/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clearly set forth in claim 2 that the linear bodies on lines 1 and 7 are the same elements.

Claim 2 recites the limitation "the other temporarily storing means" on line 10. There is insufficient antecedent basis for this limitation in the claim. There may be more than one other temporarily storing means.

Claim 3 recites the limitation "the outlet and the inlet" on line 2. There is insufficient antecedent basis for this limitation in the claim. It appears that this should be --the outlets and the inlets--.

Claim 3 recites the limitation "the temporarily storing means" on lines 11-12. There is insufficient antecedent basis for this limitation in the claim. Plural temporarily storing means were previously recited.

Claim 4 recites the limitation "the outlet" on line 5. There is insufficient antecedent basis for this limitation in the claim. This should be --outlets--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Durofil et al (U.S. Pat. No. 5,450,154).

Durofil et al discloses a temporary storage device for a linear body 7 comprising: a plurality of temporarily storing means 30, 31 having a plurality of freely rotatable upper rollers 1, 2 arranged parallel with each other in a lateral direction and having parallel axes, a plurality of lower rollers 3, 4 arranged directly below spaces between adjacent upper rollers and capable of relatively moving toward and away from the upper rollers and having rotary axes parallel to those of the upper rollers, and guiding means (guide rollers for section 32 of linear body 7 in Fig. 2) for guiding the linear body 7 from an outlet of one temporarily storing means to the inlet of another. The linear body 7 travels over the rollers of each temporarily storing means to form a festoon. The method of claim 1 is inherent in the operation of the apparatus of Durofil et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3654

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durofil et al (U.S. Pat. No. 5,450,154) in view of Seaborn (U.S. Pat. No. 4,407,767).

Durofil et al is described above.

Durofil et al does not disclose an abnormal tensile force detecting means on the downstream side apart from the outlet of the temporarily storing device.

Seaborn teaches providing an apparatus for feeding a linear body 28 with an abnormal tensile force detecting means 32 to stop the apparatus when excess tensile force is detected to prevent damage to the linear body 28.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Durofil et al with an abnormal tensile force detecting means as taught by Seaborn to prevent damage to the linear body and the apparatus. It would have been obvious to locate an abnormal tensile force detecting means at least on the downstream side apart from the outlet of the temporarily storing device since this is where the maximum tension would occur.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durofil et al in view of Seaborn as applied to claim 4 above, and further in view of Henk (U.S. Pat. No. 4,532,500).

Durofil et al does not disclose an abnormal tensile force detecting means including a detection roller rotatably supported at an end portion of an oscillating arm and a magnet for fixing the position of the oscillating arm.

Henk teaches providing a feeder for a linear body 34 with an abnormal tensile force detecting means including a detection roller 38 on an oscillating arm 30.

Seaborn teaches providing an abnormal tensile force detecting means with a magnet 40 that attracts a fixing member for setting an excess tensile force level.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Durofil et al with an abnormal tensile force detecting means including a detection roller on an oscillating arm 30 as taught by Henk to minimize damage to the linear body and resistance to feeding of the linear body by the abnormal tensile force detecting means. It would have been obvious to provide the abnormal tensile force detecting means with a magnet as taught by Seaborn to fix an end of the oscillating arm to establish the excess tensile force level at which the detecting means is triggered. It would have been an obvious reversal of parts to attach the magnet to the oscillating arm and cause it to attract the fixing member since either of these two possible arrangements would provide the desired function.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamaguchi et al (U.S. Pat. No. 4,690,349), Barta et al (U.S. Pat.

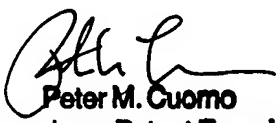
No. 3,694,928), and De Moos (U.S. Pat. No. 1,595,294) are cited to further show storage devices for elongated material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


sjh
10/2/07


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